

Remarks

Claims 1 – 14 and 16 – 17 are the pending herein.

Claims 1 – 5, 9, 10 and 12 stand rejected as being anticipated under § 102(b) and claims 6 and 13 – 15 under § 103 as being obvious over Aven (EP1023832) . Applicants respectfully traverse.

More specifically, as the Examiner correctly points out, Aven discloses certain alkylpolyglycosides [APGs] in conjunction with hydrotropes. However, as a class, APGs generally are water-soluble agents; they are not clearly and unequivocally oil-based adjuvants as required by the present claims (please see the definition of oil-based adjuvants provided in the present application on page 3, lines 24-28).

The Examiner argues that APGs such as 'Glucopons' are not water soluble based on the disclosure of Aven, page 5, lines 26-28. However, Aven is concerned, in particular, with the APGs such as Glucopon 215CSUP and Glucopon 600CSUP. Glucopons are made by Henkel.

As noted in the first paragraph on page 14 of KARLHEINZ HILL et al., eds., Alkyl Polyglycosides: Technology, Properties and Applications, pp. 14 – 18, 20 and 39 – 40 (VCH Verlagsgesellschaft mbh, D-69451 Weinheim DE), 1997:

The requirements for or rather the design of alkyl polyglycoside production plants based on the Fischer synthesis are critically determined by the carbohydrate types used and by the chain length of the alcohol used. It is intended here to describe first the production of water-soluble alkyl polyglycosides on the basis of octanol/decanol ($C_{8/10}$ – OH) and dodecanol/tetradecanol ($C_{12/14}$ – OH).

Page 20 of Hill et al. defines both Glucopon 215CSUP and Glucopon 600CSUP; the former is a $C_{8/10}$ alkyl chain and the latter is $C_{12/14}$. Accordingly, these chain lengths are associated with WATER-SOLUBLE APGs. Page 18, item 5 teaches that C_{16} and longer alkyl chains give water-insoluble APGs that are not used as surfactants; and that chapter 4, pages 39-40, deals with relevant phase diagrams.

Therefore, the Hill et al. book makes it clear that Aven is dealing with water-soluble APGs, which are not relevant to the oil-based adjuvant system specified in the present claims [see, e.g., the instant application, on page 3, lines 24-26, which explains that “oil-based adjuvant” means an adjuvant that is substantially insoluble in water]

Accordingly, Aven neither anticipates nor renders obvious any of claims 1 – 6, 9, 10, 12 – 14 and 16 – 17. Reconsideration and withdrawal of the §§ 102 and 103 rejections over Aven are respectfully requested.

Applicants again note with appreciation the Examiner's indication that claims 7, 8, and 11 contain allowable subject matter.

In view of the foregoing amendments and remarks, Applicants submit that the claims are in condition for allowance. Reconsideration and withdrawal of all rejections are respectfully requested, along with the issuance of a Notice of Allowance.

Respectfully submitted,

USPTO Customer No. 26748
Syngenta Crop Protection, Inc.
Patent and Trademark Dept.
410 Swing Road
Greensboro, NC 27409
(336) 632-7706

/William A. Teoli, Jr./
William A. Teoli, Jr.
Attorney for Applicant
Reg. No. 33,104

Date: Monday, December 29, 2008